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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,143	02/27/2004	Jeffrey A. Tilton	25363A	9278
22889	7590	04/05/2010		
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			EXAMINER PIZIALI, ANDREW T	
			ART UNIT 1786	PAPER NUMBER
			NOTIFICATION DATE 04/05/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10789143	2/27/04	TILTON ET AL.	25363A

OWENS CORNING  
2790 COLUMBUS ROAD  
GRANVILLE, OH 43023

## EXAMINER

Andrew T. Piziali

ART UNIT	PAPER
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1794

20100323

DATE MAILED:

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## Commissioner for Patents

All of the appeal briefs (11/11/2008, 2/24/2009, 7/23/2009, 11/20/2009, and 1/25/2010) submitted by the applicant fail to include the following grounds of rejection within the "Grounds of Rejection to be Reviewed on Appeal" section or within the "Argument" section of the appeal brief:

- 1) Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield, in view of USPN 6,022,818 to Welchel as applied to claims 1-5, 9-15, 19-22 and 24-27 above, and further in view of USPN 4,813,948 to Insley.
- 2) Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield, in view of USPN 6,022,818 to Welchel as applied to claims 1-5, 9-15, 19-22 and 24-27 above, and further in view of any one of USPN 6,548,431 to Bansal or USPN 4,508,113 to Malaney.
- 3) Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel as applied to claims 1-5, 11, 12, 25 and 26 above, and further in view of USPN 4,813,948 to Insley.
- 4) Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel as applied to claims 1-5, 11, 12, 25 and 26 above, and further in view of USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield.
- 5) Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of USPN 4,813,948 to Insley.
- 6) Claims 9, 10, 19, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of USPN 5,616,408 to Oleszczuk or USPN 5,804,512 to Lickfield.
- 7) Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,022,818 to Welchel in view of anyone of USPN 5,958,186 to Holm, USPN 6,692,606 to Cederblad, or USPN 6,761,710 to D'Acchioli as applied to claims 1-5, 11-15, 21, 22 and 25-27 above, and further in view of any one of USPN 6,548,431 to Bansal or USPN 4,508,113 to Malaney.

In each Notice of Non-Compliant Appeal Brief mailed (1/27/2009, 6/29/2009, 10/20/2009, and 1/5/2010) the applicant was

instructed to include the above grounds of rejection in the appeal brief, but each time the applicant declined. As a result, claims 6-10, 16-20, 23 and 24 are withdrawn from appeal. The withdrawal of the appeal as to claims 6-10, 16-20, 23 and 24 operates as an authorization to cancel these claims from the application. See MPEP § 1215.03. Accordingly, these claims are canceled.

No response is currently due by applicant. An Examiner's Answer will be mailed in due time.

**/Andrew T Piziali/  
Primary Examiner, Art Unit 1794**